

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UBIQUITI NETWORKS, INC.,

*Plaintiff,*

v.

CAMBIUM NETWORKS, INC.;  
CAMBIUM NETWORKS, LTD.;  
BLIP NETWORKS, LLC;  
WINNCOM TECHNOLOGIES, INC.;  
SAKID AHMED; and DMITRY  
MOISEEV,

*Defendants.*

Civil Action No.: 1:18-cv-05369

**JURY TRIAL DEMANDED**

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR EXTENSION OF  
TIME TO FILE AMENDED COMPLAINT**

Defendants respectfully request that the Court deny Plaintiff's motion for an extension of time. Plaintiff has not shown good cause, and any further delays in presenting a coherent complaint will continue to prejudice Defendants.

**I. PLAINTIFF HAS FAILED TO SHOW GOOD CAUSE**

Plaintiff has failed to show good cause for extending the deadline to file an amended complaint. In its May 22 order, the Court gave Plaintiff two weeks (until June 5, 2019) to file an amended complaint. (*See* Dkt. No. 59 at 10.) Plaintiff fails to explain why the allotted amount of time is insufficient, particularly when drafting an amended complaint should be a relatively straightforward process. Plaintiff is intimately familiar with the deficiencies in its original complaint, which was the basis of approximately 75 pages of briefing, an hour of oral argument, and a 10-page order. Further, Plaintiff admitted at the December 11, 2018 status conference that

its copyright allegations are limited to Cambium’s alleged display of Plaintiff’s user interface (*see* December 11, 2018 Status Conference Tr. (Exhibit 1 at 17:16-20)) and copying of unidentified configuration and calibration *information* and the AirMAX protocol (*see id.* at 17:23-18:7, 36:25-37:2). Any amended complaint should simply incorporate these admissions and recite the facts necessary to state plausible claims and put Defendants on actual notice.

Any desire by Plaintiff to investigate alleged factual bases for its anticipated causes of action does not provide good cause. Plaintiff struggled at the December 11, 2018 status conference to even “explain the contours of its claims.” (Dkt. No. 59 at 8.) This struggle, coupled with the Court’s indication a week later that it was “likely to grant in substantial part the motion to dismiss” (Dkt. No. 47), should have prompted Plaintiff to complete any such investigation months ago. Plaintiff’s substitution of counsel similarly does not provide good cause. Plaintiff’s current counsel appeared in this case over six weeks ago (*see* Dkt. Nos. 51–53), and Plaintiff represented last month that its new attorneys “have had time to come up to speed on the litigation[.]”<sup>1</sup> (Dkt. No. 55 at 2, ¶ 4.) If Plaintiff’s counsel was “up to speed” a month ago, it should have adequate time to file an amended complaint by June 5.

## **II. THE PROPOSED DELAY WILL CONTINUE TO PREJUDICE DEFENDANTS**

Plaintiff’s proposed delay will continue to prejudice Defendants. This case has been pending for over nine months. Plaintiff not only sued Cambium (the product manufacturer), but also one of Cambium’s customers (Blip Networks) and one of Cambium’s channel partners (Winncom Technologies) as well as two individual Cambium employees. The uncertainty caused by this pending litigation has had a noticeable chilling effect on Cambium’s business,

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<sup>1</sup> Plaintiff specifically represented that, because its new attorneys were up to speed, granting its motion to substitute would “*not prejudice any party or cause undue delay.*” Dkt. No. 55 at 2, ¶ 4 (emphasis added). Extending the June 5 deadline axiomatically causes delay and will further prejudice Defendants, as explained below.

including on Cambium's ability to onboard new channel partners and on the ability of existing channel partners to market Cambium's products to new and existing customers. To the extent Plaintiff has any articulable claims, Defendants intend to swiftly demonstrate that such claim are without merit. Defendants can only begin to do so after Plaintiff complies with the Court's May 22 order.

### **III. CONCLUSION**

Because Plaintiff has failed to show good cause and the proposed delay will continue to prejudice Defendants, Defendants respectfully request that the Court deny Plaintiff's motion.

Dated: May 24, 2019

Respectfully submitted,

BAKER BOTTS, LLP

/s/ G. Hopkins Guy, III  
One of their attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2019, I electronically filed the foregoing *Defendants' Opposition to Plaintiff's Motion for Extension of Time to File Amended Complaint* with the Clerk of the Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users

/s/ G. Hopkins Guy, III  
G. Hopkins Guy, III